

**PLANNING COMMISSION
HYBRID IN-PERSON AND VIRTUAL MEETING MINUTES
Monday, November 1, 2021**

I. Call to Order and Roll Call

The Hybrid In-person and Virtual Meeting of the Planning Commission was called to order at 7:01 PM by Chairman Matt Kowalski who introduced the new recording secretary, Pam Weber, who that called the roll:

Matt Kowalski
Alison Heatley
Karen Roberts

Thomas Phillips
Chet Hill
Wa Hubbard, Ex-officio

Jim Carty
Kyle Marsh
Dustin Wise

Student Reps: Isabella Malek and Stuart Bovich absent

Also present in-person: Michelle Aniol, Community Development Manager; Mike Auerbach, Assistant Planner, Dan Cooney, Encore Theatre Artistic Director

Also present remotely: Frank Burdick, McFate Group and Lisa Phillips

II. Action on Meeting minutes from:

A. Virtual Regular Meeting Minutes – October 4, 2021

Motion Carty; Support Wise to approve the minutes of the October 4, 2021 Virtual Regular Meeting Minutes as presented.

Unanimous voice vote approval

III. Approval of agenda

Motion Heatley: Support Roberts

Unanimous voice vote approval

IV. Public Hearing(s)

- A. AP2021.22-06 Amendment to Encore Theatre Conditional Rezoning Agreement** - Public hearing to consider an application for an amendment to the Encore Musical Theatre Company Conditional Rezoning Agreement, for property located at 7714 Ann Arbor Street (08-08-06-178-007) and the vacant property located at the corner of Ann Arbor Street and Edison Street (08-08-06-178-005). The application was submitted by the Encore Musical Theatre Company. The applicant is requesting the elimination of agreed upon exterior improvements, including a front entrance patio, foundations, substantial masonry-clad screen walls, structural canopy, cast in place concrete planters, and brick paver patio, and proposing the removal and replacement of existing exterior lighting fixtures with decorative "cut-off" light fixtures that will eliminate annoying glare, currently experienced by neighboring residential properties. Discussion and possible action following this public hearing.

Staff Report: Community Development Manager, Ms. Aniol reviewed the purpose of the public hearing regarding the proposed elimination of agreed upon exterior improvements, as stated above and replacement of existing exterior lighting to eliminate glare for nearby residents. She directed Commission Members to attached documents. Ms. Aniol reminded the Planning Commission they must approve or deny the request, based on the voluntary conditions offered by the applicant, as state law does not allow negotiation of the conditions. She also noted the current status of the property as under Land Contract and the requirement for all parties to consent to changes.

Encore Theatre Representative Report: Mr. Cooney reported the primary reason for the requested change in plans is simply that adding the wall feels like it is going against the original architecture of the building and will take away from the openness of the entrance to the theater.

Public Hearing:

Chairman Kowalski opened the public hearing at 7:14 p.m.

Public comment from Lisa Phillips 3360 Edison Dexter, MI speaking on behalf of herself and neighbors on Edison Street. Ms. Phillips is requesting the lighting changes proposed by the Encore Theatre on the Hudson St. facing portion of the building be extended to the Edison St. facing side of the building as well. Those residents are also impacted by glare from current lighting.

No other public comments were offered and Chairman Kowalski closed the public hearing at 7:16 p.m.

Motion:

Motion Roberts; Support Phillips based on information provided by the applicant and staff, comments received during the public hearing, and reflected in the minutes of the November 1, 2021 meeting, the Planning Commission determines the voluntary conditions offered by the applicant to eliminate a known, existing nuisance **COUNTERACT** the requested reduction to the scope of exterior improvements, and recommends **APPROVAL** of **AP2021.22-06 ACRZ, Application for Amendment to Conditional Rezoning**, submitted by the Encore Music Theatre Company City Council, subject to the following:

1. Revised Sheet L-201 must be prepared, signed and sealed by a registered landscape architect and revised Sheets A-111 and A-300 must be prepared, signed and sealed by a registered architect, in accordance with Section 21.08 of the Zoning Ordinance.

Discussion by Planning Commissioners:

- These items under discussion were voluntary elements to the design. None are pivotal to the original decision.
- Not fond of this motion although want to commend the Encore for all that has been done. "The" entrance should be highlighted rather than just scale it back fully. What about a scaled back version vs. the original? Are the lighting changes alone in exchange for the other changes? What changes are planned for a later date by the Encore? Will they want to add this exact same thing in the future? The planning commission must approve this, Ms. Aniol alone cannot because it is part of original zoning compliance.
- It is okay for them to do what they feel is best for their building.
- Sad to see the entrance go, but sure the Encore will do something more at a later date. It is very nice of the Encore to change out the lights impacting the residential area.
- Is there an expectation for when the entrance was to be complete? Ms. Aniol stated that the current approved plan expires July of 2022. She reported this was a well-thought-out change request, not last minute.

Mr. Cooney offered to change out the lighting on the Edison St. side of the building, as requested by Lisa Phillips.

Ayes: Roberts, Phillips, Hubbard, Carty, Heatley, Marsh, Kowalski

Nays: Hill, Wise

Motion carries

- B. **AP2021.22-07 Text Amendment to Zoning Ordinance** - Public hearing to consider proposed text amendments to the City of Dexter Zoning Ordinance to establish regulations to allow plug-in electric

vehicle stations in residential, commercial and industrial districts. Discussion and possible action following this public hearing.

Staff Report:

Community Development Manager, Ms. Aniol reviewed the proposed amendments to articles 2 and 3 (see attachments), which 1) would allow plug-in electric vehicle in residential, commercial and industrial districts, as an accessory use, 2) require any new residential development or dwelling to be PEV ready, and 3) encourage, but not require developers of new commercial/industrial projects or commercial/industrial redevelopment projects to provide or make-ready a site for PEVs. Ms. Aniol also reviewed with the criteria set forth in Section 23.06 of the Zoning Ordinance for Considering an Amendment to the Zoning Ordinance, stating that in *summer 2021, US automakers announced they anticipate 40-50% of all new vehicles sales by 2030 will be electric models*; a commercial property owner in the downtown requested a PEV for his building; and the proposed amendment implements the goals and objectives of the city's master plan.

Public Hearing:

Chairman Kowalski opened the public hearing at 7:36 p.m.

Chairman Kowalski closed the public hearing at 7:37 p.m.

Motion:

Motion Phillips; Support Roberts Pursuant to Section 23.06 of the City of Dexter Zoning Ordinance, together with the information presented by staff and the input received during the public hearing conducted by the Planning Commission on November 1, 2021, the Planning Commission recommends that City Council approve AP2021.22-07 Text Amendment to the Zoning Ordinance to allow and allow and regulate electric vehicle stations, subject to the following changes (identify sections to remove and/or sections and text to modify):

1. Remove references to residential homes having this as part of their construction process.

Discussion by Planning Commission:

- This should not be part of planning committee. It's a misunderstanding on the part of staff. These types of elements are not required by zoning or ordinance.
- We do have the power to do this. Ann Arbor has been aggressive with this. We set policy through what we enact. It is the most minimal thing we can do. To suggest that staff are doing this because they have been sold is voting against and an attack on staff, not ok.
- Should this be part of a different area of zoning?
- On the fence about this and think Ms. Aniol and Mr. Auerbach have done a great job. At this point zoning stops at the outside wall. This will change our involvement to at least into the garage. Removing residential keeps things to the outside wall. Supports the above motion on this one.
- Ms. Aniol said we do need to know what is on the interior of a structure such that it meets zoning. This is done so that there doesn't have to be a second set of prints. There is a use factor involved in this.
- It's nice that the city does this, but this is a misplaced requirement. Recommends our attorney look at this. Agree that we need to do this for us and our kids.
- The city is not paying for this, it's something someone else has to pay for.
- Most new houses can already accommodate this type of plug on their panel.
- We are debating elements where zoning does not apply. To compel someone to put this in is a different thing. This is a unique line that we are crossing here. That people "like it" is concerning and disturbing.
- Mr. Carty said we made Steve Brower put in bike racks. It's the same thing, good for environment, the community, etc.

- It is good that feelings about this are now out
- Ann Arbor has gone through this and must have had attorneys look at this.

Ayes: Phillips

Nays: Carty, Hill, Wise, Marsh, Hubbard, Roberts, Heatley, Kowalski

Motion fails

New Motion Wise; Support Carty Pursuant to Section 23.06 of the City of Dexter Zoning Ordinance, together with the information presented by staff and the input received during the public hearing conducted by the Planning Commission on November 1, 2021, the Planning Commission recommends City Council approve AP2021.22-07 Text Amendment to the Zoning Ordinance to allow and allow and regulate electric vehicle stations, as presented.

Ayes: Hill, Carty, Marsh, Phillips, Hubbard, Wise, Heatley, Roberts, Kowalski

Nays: None

Motion carries

V. **Pre-Arranged Participation** - None

VI. **Reports of Officers:**

- A. Chairman Report – None
- B. Planning Commissioners and Council Ex officio Reports – None
- C. Committee Reports - None
- D. Community Development Office Reports –
 - Mr. Auerbach for an announcement. He said this is his last meeting with the Planning Commission. He has been here for 3 years. He was thanked for his contributions.
 - Ms. Aniol asked if there were any questions regarding her report. A question was asked as to where the Batting cages will be. Ms. Aniol stated a 2–3-acre parcel in the Dexter Business and Research Park. Commissioner comments and questions included:
 - a. Not a big fan because R & D space is limited.
 - b. Where else can the use go? Ms. Aniol stated that C-1 allows the use.
 - c. R&D land is in high demand, this could go in an industrial area instead.
 - d. Can use go in an outlot near the wellness center and the answer is yes.
 - Social district will happen again and its been expanded to include the Filmore. Special cups, special labels will be required. There will not be a tent and the parking lot between The Beer Grotto and Dairy Queen will not be closed.
 - a. Ms. Hubbard said this is meant to ease the burden on DPW.
 - Use of Main Street parking spaces for outdoor dining ends Nov. 30th for the year. Some of the non-drinking businesses are saying their customers are complaining they have to walk too far.
 - a. The water barriers are just ugly.
 - b. Ms. Aniol said this is new to this city so they understand and it is a learning process that is progressive. She said next year they will likely Invest in how they want this to be branded (such as the blue painted pallets, etc.).
 - c. What about not having big barriers at all, like in Plymouth and AA where they just use ropes? Ms. Aniol said risk management will not support something less than water barriers at this time.
 - d. We aren't reinventing the wheel here. There are communities that are doing this much better than we are. "It looks really trashy".

- e. Ms. Aniol said Council could require businesses to construct actual parklets, instead.
- f. Ms. Hubbard and Ms. Aniol will take this info. to City Council. It was great in a pinch during covid.
- g. There are nautical looking bollards that are safe and attractive.
- h. It definitely adds to the downtown, having seating available.
- Grand River brewery wants to do a small brewery, restaurant and bike rental. They submitted for conditional rezoning.
 - a. Asked If rezoned central business district fell through, what other options would there be? Keep existing zoning and go PUD? Yes, but the pre-applicants are not interested in doing a PUD.
- Roundabout is on the horizon. County asked Dexter to participate in CMI grant for 2025/2026. Viaduct is not going to be widened, it is historical. It is the perfect calming traffic spot to keep from Dexter becoming a super highway.

VII. **Citizen Wishing to Address the Commission (Non-Arranged Participation)** - None

VIII. **Unfinished Business** - None

IX. **New Business:**

- A. Discussion: Zoning Ordinance Update from Sub-Committee: Review of 11th ZO Update Sub-Committee Meeting (November 1, 2021) (Agenda and Packet accessible on city website).
 - Mr. Auerbach reported the Sub-committee reviewed proposed amendments to the Subdivision Ordinance. The intent was to try to encourage a downtown pattern and allow flexibility for curbs, where applicable. The Sub-committee is scheduled to review a rough draft next month. A joint meeting with PC and City Council is anticipated after the first of the year.
 - Mr. Hill reviewed latest drafts and would like a clean version. He has a lot of questions. Mr. Aniol said there are many iterations. Committee has worked hard. Suburban minded and bringing it into a more urban context from regulations, intent, purpose. It is interesting.

X. **Proposed business for Monday, December 6, 2021:**

- A. Zoning Ordinance Sub-Committee – Review of 12th Meeting
- B. Public Hearing (anticipated) – Application for Conditional Rezoning of 8180 Main Street
- C. Amendment to Approved Condominium Documents for Grandview Commons

XI. **Citizens wishing to address the Commission** - None

XII. **Adjournment**

Motion Wise; Support Hill. Meeting adjourned at 8:38 p.m.

Respectfully submitted,

Pam Weber
Recording Secretary

Approved for Filing: December 6, 2021